

1 **SENATE FLOOR VERSION**
2 **February 27, 2019**
3 **AS AMENDED**

3 SENATE BILL NO. 420 By: Bergstrom of the Senate
4 and
5 Martinez of the House
6

7 **[Oklahoma Cosmetology and Barbering Act -**
8 **hairbraiding certificate - effective date]**
9

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 59 O.S. 2011, Section 199.1, as
12 last amended by Section 1, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
13 2018, Section 199.1), is amended to read as follows:

14 Section 199.1. As used in the Oklahoma Cosmetology and
15 Barbering Act:

16 1. "Apprentice" means a person who is engaged in learning the
17 practice of cosmetology or barbering in a cosmetology or barbering
18 establishment;

19 2. "Barber" or "barber stylist" means any person who engages in
20 the practice of barbering;

21 3. "Barbering" means any one or any combination of the
22 following practices, when done upon the upper part of the human body
23 for cosmetic purposes and ~~when done for payment either directly or~~
24 ~~indirectly for the general public~~, constitutes the practice of

1 barbering, to wit: Shaving or trimming the beard, or cutting the
2 hair; giving facial or scalp massages or treatment with oils,
3 creams, lotions or other preparations, either by hand or mechanical
4 appliances; singeing, shampooing or applying lighteners or color to
5 the hair or applying hair tonics; applying cosmetic preparations,
6 antiseptics, powders, oils, clays or lotions to scalp, face, neck or
7 upper part of the body; and removing superfluous hair from the face,
8 neck or upper part of the body;

9 4. "Barber establishment" means an establishment or place of
10 business where one or more persons are engaged in the practice of
11 barbering, but shall not include barber schools or colleges;

12 5. "Barber school" or "barber college" means an establishment
13 operated for the purpose of teaching barbering;

14 6. "Board" means the State Board of Cosmetology and Barbering;

15 7. "Cosmetic studio" means any place or premises where
16 demonstrators give demonstrations, without compensation, for the
17 purpose only of advertising and selling cosmetics;

18 8. "~~Cosmetician~~ Cosmetician/stylist" means a person licensed by
19 the Board to perform patron services limited to hair arranging and
20 application of makeup, including, but not limited to, using
21 hairstyling tools and products. Services must be performed in a
22 licensed establishment;

23 9. "Cosmetology" means any one or a combination of practices
24 generally and usually performed by and known as the occupation of

1 beauticians, beauty culturists, beauty operators, cosmeticians,
2 cosmetologists, or hairdressers, or of any other person holding
3 himself or herself out as practicing cosmetology by whatever
4 designation and within the meaning of the Oklahoma Cosmetology and
5 Barbering Act and in or upon whatever place or premises.
6 Cosmetology shall include, but not be limited to, any one or
7 combination of the following practices: bleaching, cleansing,
8 curling, cutting, coloring, dressing, removing, singeing, styling,
9 waving, or similar work, upon the hair of any person by any means,
10 ~~whether~~ and with hands or mechanical or electrical apparatus or
11 appliances. Nothing in the Oklahoma Cosmetology and Barbering Act
12 shall be construed to prohibit the use of ~~hands or mechanical or~~
13 ~~electrical apparatus or appliances~~ any of the devices for the
14 ~~nonpermanent~~ non-permanent removal of hair from the human body
15 without puncturing ~~of~~ the skin, or by the use of cosmetic
16 preparations, antiseptics, tonics, lotions, or creams, ~~or~~ massaging,
17 cleansing, stimulating, exercising, beautifying, or ~~similarly~~
18 ~~working~~ similar work, the scalp, face, neck, arms, bust, upper part
19 of the body or ~~the~~ manicuring ~~of~~ the nails of any person, exclusive
20 of such of the foregoing practices as ~~are~~ come within the scope of
21 the practice of the healing arts as provided by law the laws of this
22 state;

23 10. "Cosmetology establishment" means an establishment or place
24 of business where one or more persons are engaged in the practices

1 of cosmetology but shall not include cosmetology schools or
2 colleges;

3 11. "Cosmetology or barber school/college" means any place or
4 premises where instruction in any or all the practices of
5 cosmetology or barbering is given. Any person, firm, institution or
6 corporation, who holds himself, herself or itself out as a school to
7 teach and train, or any person, firm, institution or corporation who
8 shall teach and train any other person or persons in any of the
9 practices of cosmetology or barbering is hereby declared to be
10 engaged in operating a cosmetology and/or barber school, and shall
11 be subject to the provisions of the Oklahoma Cosmetology and
12 Barbering Act. Licensed cosmetology and/or barber schools may offer
13 education to secondary and ~~postsecondary~~ post-secondary students in
14 ~~this~~ the state;

15 12. "Demonstrator" means a person who is not licensed in this
16 state ~~as an operator or instructor~~ and who demonstrates any cosmetic
17 preparation. The person shall be required to obtain a Demonstrator
18 license and pass a state written exam relating to general safety and
19 sanitation from the Board before making any such demonstrations;

20 13. ~~"Facial/Esthetics instructor" means a person licensed by~~
21 ~~the Board as a qualified teacher of the art and science of facial~~
22 ~~and esthetics theory and practice;~~

23 14. "Facialist/Esthetician" means any person who gives facials
24 for compensation;

1 ~~15.~~ 14. "Hairbraiding technician" means a person certified by
2 the Board to perform hairbraiding, ~~hairweaving~~ techniques, and hair
3 extensions in a licensed cosmetology establishment;

4 ~~16.~~ 15. "Hybrid learning" means courses that combine face-to-
5 face classroom instruction with on-line, computer-based learning;

6 ~~17.~~ 16. "Manicurist/Nail technician" means a person who gives
7 manicures, gives pedicures, or applies artificial nails;

8 ~~18. "Manicurist/Nail technician instructor" means a person~~
9 ~~licensed by the Board as a qualified teacher of the art and science~~
10 ~~of nail technology theory and practice;~~

11 ~~19. "Master barber instructor"~~ 17. "Master instructor barber"
12 means a person who gives instruction in barbering or any practices
13 thereof;

14 ~~20. Master cosmetology instructor"~~ 18. "Master instructor
15 cosmetology" means a person who gives instruction in cosmetology or
16 any practices thereof;

17 19. "Master instructor facial/esthetician" means a person
18 licensed by the Board as a qualified teacher of the art and science
19 of facial and esthetics theory and practice;

20 20. "Master instructor manicurist/nail technician" means a
21 person licensed by the Board as a qualified teacher of the art and
22 science of nail technology theory and practice;

23 ~~21. "Postsecondary "~~ Post-secondary institution" means a school
24 licensed to teach students according to prescribed curriculum as in

1 paragraph 1 of subsection G F of Section 199.7 of this title and in
2 Board rule 175:10-3-34(a);

3 22. "Public school" means any state-supported institution
4 conducting a cosmetology program;

5 23. "Secondary institution" means a school licensed to teach
6 students eligible for credit of five hundred (500) hours of related
7 subjects as prescribed in paragraph 2 of subsection G F of Section
8 199.7 of this title and in Board rule 175:10-3-34 (b); and

9 24. "Student" means a person who is enrolled in and attending a
10 cosmetology ~~or barbering~~ school for the purpose of learning the
11 practice of cosmetology or barbering.

12 SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.3, as
13 last amended by Section 2, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
14 2018, Section 199.3), is amended to read as follows:

15 Section 199.3. A. In order to safeguard and protect the health
16 and general welfare of the people of the State of Oklahoma, the
17 State Board of Cosmetology and Barbering is hereby vested with the
18 powers and duties necessary and proper to enable it to fully and
19 effectively carry out the provisions of the Oklahoma Cosmetology and
20 Barbering Act.

21 B. The Board shall have ~~the~~ powers and duties to:

22 1. Promulgate rules pursuant to the Administrative Procedures
23 Act relating to standards of sanitation which must be observed and
24 practiced by all cosmetology and barber establishments, cosmetology

1 ~~or~~ and barber schools, ~~master cosmetology instructors, master barber~~
2 ~~instructors, barbers,~~ apprentices, students, ~~and board licensees~~
3 persons licensed or certified by the Board. The Board shall furnish
4 copies of the rules to the owner or manager of each cosmetology
5 school, barber school and cosmetology and barber establishment
6 operating in this state. It shall be the duty of each owner or
7 manager to post a copy of the rules in a conspicuous place in each
8 of the establishments or schools;

9 2. Conduct examinations of applicants for ~~certificates of~~
10 ~~registration~~ licensure or certification as ~~manicurists~~
11 manicurist/nail technicians, cosmetologists, ~~facial operators~~
12 facial/estheticians, hairbraiding ~~technician~~ technicians,
13 ~~manicurist/nail technician instructor~~ master instructors
14 manicurist/nail technician, ~~facial/esthetics instructor~~ master
15 instructors facial/esthetician, ~~master cosmetology instructor~~ master
16 instructors cosmetology, ~~cosmetician~~ cosmetician/stylists, ~~barber~~
17 barbers, or ~~barber instructor~~ master instructors barber at such
18 times and places determined by the Board. Applications for all
19 examinations shall be made on forms approved by the Board;

20 3. Keep a record of all its proceedings. The Board shall keep
21 a record of all applicants for certificates, licenses and permits,
22 showing the name of the applicant, the name and location of the
23 place of occupation or business, if any, and the residence address
24 of the applicant, and whether the applicant was granted or refused a

1 certificate, license or permit. The records of the Board shall be
2 valid and sufficient evidence of matters contained therein, and
3 shall constitute public records. Records shall be open to public
4 inspection at all reasonable times and subject to the Oklahoma Open
5 Records Act. ~~Notwithstanding any other provision of law to the~~
6 ~~contrary, records and information obtained in connection with an~~
7 ~~investigation of alleged violations, including complaints, identity~~
8 ~~of a complainant, investigative reports, and documentation or images~~
9 ~~generated or received during the course of an investigation, shall~~
10 ~~be confidential and shall not be subject to disclosure;~~

11 4. Notwithstanding any other provision of law to the contrary,
12 records and information obtained in connection with an investigation
13 of alleged violations, including complaints, identity of a
14 complainant, investigative reports, and documentation or images
15 generated or received during the course of an investigation, shall
16 be confidential and shall not be subject to disclosure. However,
17 such information may be introduced by the state in administrative
18 proceedings before the Board and the information then becomes a
19 public record. The Board may also provide such information to law
20 enforcement and other public agencies as necessary and appropriate
21 in the discharge of the duties of that agency. The respondent in a
22 complaint may acquire information obtained during an investigation,
23 unless the disclosure of the information is otherwise prohibited,
24 except for the investigative report, if the respondent signs a

1 protective order whereby the respondent agrees to use the
2 information solely for the purpose of defense in the Board
3 proceeding and in any appeal therefrom and agrees to not otherwise
4 disclose the information. This subsection shall not apply to
5 routine inspection reports.

6 5. Issue all certificates ~~of registration~~, licenses, permits,
7 registrations, notices and orders;

8 ~~5.~~ 6. Establish and conduct examinations for limited specialty
9 licenses ~~for cosmetician, facial/esthetics instructor,~~
10 ~~manicurist/nail technician instructor, master barber instructor, or~~
11 ~~master cosmetology instructor~~ and certificates within the practice
12 of cosmetology ~~or~~ and barbering. The Board shall ~~also~~ promulgate
13 rules for ~~special~~ specialty licenses and certificates, including but
14 not limited to reduced curriculum requirements, as the Board may
15 deem appropriate and necessary to further the purposes of the
16 Oklahoma Cosmetology and Barbering Act;

17 ~~6.~~ 7. Make regular inspections of all cosmetology and ~~barber~~
18 barbering schools and cosmetology and ~~barber~~ barbering
19 establishments licensed to operate in this state, and reports
20 thereof shall be kept and maintained in the office of the Board;

21 ~~7.~~ 8. Make investigations and reports on all suspected or
22 reported violations of the Oklahoma Cosmetology and Barbering Act;

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1 ~~8.~~ 9. Take samples of beauty supplies for the purpose of
2 chemical analysis; provided, that if the owner demands payment for
3 the sample taken, payment at the regular retail price shall be made;

4 ~~9. Refuse, revoke,~~ 10. Revoke or suspend licenses,
5 certificates ~~of registration~~ or permits after notice and an
6 opportunity for a full hearing, pursuant to Article II of the
7 Administrative Procedures Act, on proof of violation of any ~~of these~~
8 provisions of the Cosmetology and Barbering Act or the rules
9 established by the Board;

10 ~~10.~~ 11. Enter into ~~any~~ contracts necessary to implement or
11 enforce the provisions of the Oklahoma Cosmetology and Barbering Act
12 or rules promulgated thereto; and

13 ~~11.~~ 12. Apply to a court of competent jurisdiction for an order
14 enjoining ~~an unlicensed~~ a person not licensed or certified by the
15 Board from practicing cosmetology or barbering or holding himself or
16 herself out as a practitioner of cosmetology or barbering.
17 Injunctive relief granted by the court shall be without bond.

18 C. 1. Any person whose license, certificate ~~of registration,~~
19 or permit has been suspended or revoked may, after the expiration of
20 thirty (30) days, make application to the Board for reinstatement
21 thereof.

22 2. Reinstatement of any such license, certificate ~~of~~
23 ~~registration,~~ or permit shall rest in the sound discretion of the
24 Board.

1 3. Any action of the Board in ~~refusing~~, revoking, or suspending
2 a license, certificate ~~of registration~~, or permit may be appealed to
3 the district court of the county of the appellant's residence
4 pursuant to the Administrative Procedures Act.

5 D. 1. In any case where a licensee person licensed or
6 certified by the Board becomes a member of the Armed Forces of the
7 United States, such license or certificate shall not lapse by reason
8 thereof but shall be considered and held in ~~full~~ force and effect
9 without further payment of license or certificate fees during the
10 period of service in the Armed Forces of the United States and for
11 six (6) months after honorable release ~~therefrom. At any time within~~
12 ~~six (6) months after honorable release~~ from the Armed Forces of the
13 United States the licensee person may resume practice pursuant to a
14 license or certificate without other or further examination by
15 notifying the Board in writing.

16 2. The period of time in which the licensee person licensed or
17 certified by the Board shall have been a member of the Armed Forces
18 of the United States shall not be computed in arriving at the amount
19 of fee or fees due or to become due by such licensee person.

20 SECTION 3. AMENDATORY 59 O.S. 2011, Section 199.4, as
21 amended by Section 88, Chapter 229, O.S.L. 2013 (59 O.S. Supp.,
22 Section 199.4), is amended to read as follows:

23 Section 199.4. The State Board of Cosmetology and Barbering
24 shall employ an executive director who shall be in charge of the

1 office of the Board. The executive director shall have such
2 qualifications as shall be established by rules of the Board;
3 provided, the executive director shall not be actively engaged in
4 the practice of cosmetology or barbering while serving as executive
5 director. The executive director shall:

6 1. Devote his or her entire time to the duties of the office;

7 2. Receive salary and benefits as provided by law;

8 3. Keep and preserve all books and records pertaining to the
9 Board;

10 4. Have authority, in the name of and in behalf of the Board,
11 to issue all licenses, certificates ~~of registration~~, permits,
12 registrations, orders, and notices;

13 5. Have authority to collect all fees and penalties provided
14 for by the Oklahoma Cosmetology and Barbering Act;

15 6. Make quarterly reports to the Board of all monies collected
16 and the sources from which derived;

17 7. Have authority to approve payrolls and all claims for the
18 Board;

19 8. Have authority to employ staff;

20 9. Keep a continuous inventory of all properties, excluding
21 supplies, belonging to the Board; and

22 10. Perform such other duties as may be directed by the Board.
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1 SECTION 4. AMENDATORY 59 O.S. 2011, Section 199.6, as
2 last amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
3 2018, Section 199.6), is amended to read as follows:

4 Section 199.6. A. The State Board of Cosmetology and Barbering
5 is hereby authorized to promulgate rules ~~for~~ governing the
6 examination and licensure or certification of cosmetologists,
7 ~~manicurists, nail technicians~~ manicurist/nail technicians,
8 ~~estheticians~~ facial/estheticians, ~~cosmeticians~~ cosmetician/stylists,
9 hair braiding technicians, ~~master cosmetology instructors~~ master
10 instructors cosmetology, ~~manicurist instructors~~ master instructors
11 manicurist/nail technician, ~~esthetics instructors~~ master instructors
12 facial/esthetician, barbers, and ~~master barber instructors~~ master
13 instructors barber. The Board is hereby authorized to promulgate
14 rules to govern the sanitary operation of cosmetology and barbering
15 establishments and to administer fines not to exceed Fifty Dollars
16 (\$50.00) for those licensed and not to exceed Five Hundred Dollars
17 (\$500.00) for those not licensed. Each day a violation continues
18 shall be construed as a separate offense.

19 B. The State Board of Cosmetology and Barbering shall have the
20 power and duty to implement rules of the Board, to issue and renew
21 licenses and certificates, to inspect cosmetology and barbering
22 establishments and schools, and to inspect the sanitary operating
23 practices of cosmetology and barbering licensees, including sanitary
24 conditions of cosmetology and barbering establishments and schools.

1 C. It shall be unlawful and constitute a misdemeanor,
2 punishable upon conviction by a fine of not less than Fifty Dollars
3 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by
4 imprisonment in the county jail for not more than thirty (30) days,
5 or both such fine and imprisonment, for any person, firm, or
6 corporation in this state to:

7 1. Operate or attempt to operate a cosmetology school/college,
8 cosmetology or barber establishment, cosmetology or barber school or
9 college that offers cosmetology, barbering or both without having
10 obtained a license therefor from the State Board of Cosmetology and
11 Barbering;

12 2. Give or attempt to give instruction in cosmetology or
13 barbering, without having obtained ~~an instructor's~~ a master
14 instructor license from the State Board of Cosmetology and
15 Barbering;

16 3. Practice or offer to practice barbering, cosmetology or
17 manicuring without having obtained a license therefor from the
18 Board;

19 4. Operate a cosmetic studio without having obtained a license
20 therefor from the Board;

21 5. Demonstrate a cosmetic preparation without having obtained a
22 demonstrator's license from the Board;

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1 6. Permit any person in one's employ, supervision, or control
2 to practice cosmetology or barbering unless that person has obtained
3 an appropriate license or certificate from the Board;

4 7. Willfully violate any rule promulgated by the Board for the
5 sanitary management and operation of a cosmetology or barber
6 establishment, cosmetology school or barber college; or

7 8. Violate any of the provisions of the Oklahoma Cosmetology
8 and Barbering Act.

9 D. The State Board of Cosmetology and Barbering shall have the
10 authority to levy administrative fines not to exceed Five Hundred
11 Dollars (\$500.00) for persons practicing cosmetology or barbering
12 without a license or certificate, for persons operating a
13 cosmetology or barbering establishment or school without a license,
14 and for owners of licensed establishments who allow ~~unlicensed~~
15 ~~individuals~~ persons who are not licensed or certified by the Board
16 to practice cosmetology or barbering ~~without a license~~ in their
17 establishment. Each day a violation continues shall be a separate
18 offense. ~~The administrative fine shall not exceed a total of Five~~
19 ~~Hundred Dollars (\$500.00).~~

20 E. The Board shall have the authority to levy fines not to
21 exceed Five Hundred Dollars (\$500.00) for any violation of the
22 Oklahoma Cosmetology and Barbering Act, including violations listed
23 in subsection (C) above, and any rules of the Board. Each day a
24 violation continues shall be a separate offense.

1 F. The provisions of the Oklahoma Cosmetology and Barbering Act
2 shall not apply to the following persons while such persons are
3 engaged in the proper discharge of their professional duties:

4 1. Funeral directors;

5 2. Persons in the Armed Services;

6 3. Persons authorized to practice the healing arts or nursing;

7 or

8 4. Regularly employed sales people working in retail
9 establishments engaged in the business of selling cosmetics in
10 sealed packages.

11 SECTION 5. AMENDATORY 59 O.S. 2011, Section 199.7, as
12 last amended by Section 5, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
13 2018, Section 199.7), is amended to read as follows:

14 Section 199.7. A. Each cosmetology and barber school shall be
15 licensed annually by the State Board of Cosmetology and Barbering.
16 Application for the first year's license for a cosmetology and
17 barber school shall be accompanied by a fee of Four Hundred Dollars
18 (\$400.00), which shall be retained by the Board if the application
19 is approved and a license is issued. The annual renewal license fee
20 for cosmetology or barber schools shall be One Hundred Twenty-five
21 Dollars (\$125.00).

22 B. 1. No license or renewal thereof for a cosmetology or
23 barber school shall be issued unless the owner thereof furnishes to
24 the Board a good and sufficient surety bond in the principal sum of

1 Two Thousand Dollars (\$2,000.00) for the first instructor and an
2 additional One Thousand Dollars (\$1,000.00) for each additional
3 instructor, executed by a surety company authorized to do business
4 in this state, and conditioned on the faithful performance of the
5 terms and conditions of all contracts entered into between the owner
6 of the cosmetology or barber school and all persons enrolling
7 therein.

8 2. The surety bond shall be in a form approved by the Attorney
9 General and filed in the Office of the Secretary of State. Suit may
10 be brought on the bond by any person injured by reason of the breach
11 of the conditions thereof.

12 C. It shall be the duty of the owner or manager of a
13 cosmetology or barber school to enter into a written contract with
14 all students before permitting students to attend any classes.
15 Contracts shall be made out in triplicate, the original copy to be
16 retained by the school, the duplicate to be given to the student,
17 and the triplicate to be filed with the executive director of the
18 Board.

19 D. A school licensed or applying for licensure shall maintain
20 recognition as an institution of postsecondary study by meeting the
21 following conditions:

22 1. The school shall admit as a regular student only an
23 individual who has earned a recognized high school diploma, or who
24 is beyond the age of compulsory high school attendance;

1 2. The school shall be licensed by name, or in the case of an
2 applicant, shall apply for licensure by name, to offer one or more
3 training programs beyond the secondary level.

4 E. No license for a cosmetology or barber school shall be
5 issued unless the owner thereof presents evidence satisfactory to
6 the Board that the school has satisfactory facilities and equipment
7 and has instructors qualified to give a course of study as provided
8 in the Oklahoma Cosmetology and Barbering Act.

9 F. There shall be included in the curriculum for cosmetology
10 and barber schools, courses of study in the theory of cosmetology
11 and barbering related theory, studies in manipulative practices,
12 sterilization and sanitation, shop management, and such other
13 related subjects as may be approved by the Board.

14 G. 1. The Board shall adopt a curriculum of required courses
15 of instruction in theory and training of either one thousand five
16 hundred (1,500) clock hours or an equivalent number of credit hours
17 as recognized by the United States Department of Education or a
18 regional or national accreditation entity recognized by the United
19 States Department of Education in a basic course to be taught in all
20 cosmetology or barbering schools in the state. The basic
21 cosmetology or barbering course shall be designed to qualify
22 students completing the course to take the examination for a
23 license.

1 2. Cosmetology and barber students in vocational, trade, and
2 industrial cosmetology and barbering classes in public schools,
3 parochial, private schools or home schools shall qualify by
4 completing one thousand (1,000) hours in a basic course of
5 cosmetology or barbering and five hundred (500) hours of approved
6 related subjects to be selected from, but not limited to, the
7 following high school courses in a public school, parochial, private
8 or home school: psychology, biology, general science, American
9 history, art, typing I, typing II, business arithmetic,
10 salesmanship, bookkeeping I, bookkeeping II, related mathematics,
11 English II, English III and English IV.

12 H. 1. No person shall be eligible to give instruction in
13 cosmetology or barbering unless the person is the holder of a
14 current unrevoked instructor's license issued by the Board.

15 2. Each cosmetology or barber school shall employ at least one
16 instructor for the first fifteen students registered therein, and at
17 least one additional instructor shall be employed for each
18 additional group of fifteen students, or major fraction thereof.

19 3. Students utilizing hybrid learning programs are included in
20 the total student number as referenced in the ratio in paragraph 2
21 of subsection G of this section.

22 I. A cosmetology or barbering school may be operated in and as
23 part of an accredited high school.

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1 J. No cosmetology or barber school owner or an establishment
2 owner shall charge students or apprentices for cosmetic materials,
3 supplies, apparatus, or machines used by them in practice work. A
4 reasonable charge may be made by a cosmetology or barber school for
5 clinical work performed by students upon persons who are not
6 students therein. No instructor shall be permitted to do
7 professional or clinical work in a cosmetology or barber school at
8 any time.

9 K. No cosmetology or barber establishment shall ever be
10 operated in or as a part of a cosmetology school.

11 L. 1. Students shall:

12 a. have an eighth-grade education or the equivalent
13 thereof, and

14 b. be at least sixteen (16) years of age unless they are
15 public or private school students who will be sixteen
16 (16) years of age by November 1 of the year in which
17 cosmetology or barbering instruction begins.

18 2. Credit shall not be given to any person by the Board or by a
19 cosmetology or barber school for hours spent in attending a
20 cosmetology or barber school unless the person has registered with
21 the Board as a student prior to the attendance, except that a
22 student who has attended a cosmetology or barber school out of state
23 may receive credit for such attendance for transfer upon proper
24 certification as provided by rule of the Board.

1 3. No student shall be credited with more than eight (8) hours'
2 attendance in a cosmetology or barber school in any one (1) day.

3 4. No person shall be eligible to take the Board-issued
4 examination for a license unless such person is at least seventeen
5 (17) years of age or a high school graduate.

6 M. 1. No student shall be eligible to take the examination for
7 a Board-issued license without furnishing to the Board the affidavit
8 of the owner of the cosmetology or barber school that the student
9 has satisfactorily completed the requirements specified in paragraph
10 1 of subsection F of this section, except public and private school
11 students who will complete the requirements specified in paragraph 2
12 of subsection F of this section by the close of the current school
13 year may take the examination next preceding the end of the school
14 year.

15 2. Students who are eligible to take the examination shall be
16 given an oral examination if requested by their instructor and proof
17 of qualifying disability is proven.

18 N. No person shall be eligible to register for the examination
19 for an instructor's license unless such person is a high school
20 graduate, or has obtained a General Equivalency Diploma (GED) as to
21 which the applicant shall qualify by tests to be prescribed by the
22 Board and conducted by qualified examiners selected by the Board,
23 and has:

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1 1. Satisfactorily completed all hours required for the
2 appropriate specialty course and an additional one thousand (1,000)
3 instructor training hours or equivalent number of credit hours as
4 recognized by the United States Department of Education or as
5 recognized by a regional or national accreditation entity ~~prescribed~~
6 ~~by the Board~~ recognized by the United States Department of Education
7 in a cosmetology school in this state; or

8 2. Completed all hours required for the appropriate specialty
9 course, three hundred (300) instructor training hours, prescribed by
10 the Board in a cosmetology school in this state and has been engaged
11 in the practice of cosmetology for at least the preceding two (2)
12 years.

13 O. The Board shall have the power to conduct examinations
14 around the state at public locations including, but not limited to,
15 technology center schools.

16 P. Each cosmetology or barber school shall prominently display
17 in a conspicuous place above or to the side of the entrance thereto
18 a sign identifying it as an institute of learning. Wording on sign
19 shall be in plain letters at least three (3) inches high and at
20 least one (1) inch wide.

21 SECTION 6. AMENDATORY 59 O.S. 2011, Section 199.8, as
22 last amended by Section 6, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
23 2018, Section 199.8), is amended to read as follows:

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1 Section 199.8. A. Each person training as an apprentice shall
2 be required to have the same qualifications as a student for
3 admission into a cosmetology or barber school, and shall be
4 registered with the State Board of Cosmetology and Barbering before
5 commencing the training.

6 B. No apprentice shall engage in any of the practices of
7 cosmetology or barbering except under the immediate supervision of a
8 licensed instructor in a cosmetology or barber establishment
9 approved by the Board for apprentice training.

10 C. All apprentices must wear a badge which designates them as
11 an apprentice and is furnished by the Board with the apprentice
12 registration receipt.

13 D. Only ~~one apprentice~~ two apprentices may be registered to
14 receive training in ~~any a~~ a cosmetology or barber establishment at any
15 one time.

16 E. Completion of three thousand (3,000) hours of apprentice
17 training in a cosmetology or ~~barber~~ barbering establishment is the
18 equivalent of ~~one thousand five hundred (1,500) hours'~~ one-thousand-
19 five-hundred-hours' training in a cosmetology or barber school and
20 shall entitle the apprentice to take the examination.

21 SECTION 7. AMENDATORY 59 O.S. 2011, Section 199.9, as
22 last amended by Section 7, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
23 2018, Section 199.9), is amended to read as follows:

24

1 Section 199.9. A. The State Board of Cosmetology and Barbering
2 shall not issue a license for a cosmetology or barber establishment
3 until an inspection has been made of the ~~salon~~ establishment and
4 equipment, including the sanitary facilities thereof. Temporary
5 approval pending inspection may be made upon sworn affidavit by the
6 license applicant that all requirements have been met. No license
7 shall be issued for a cosmetology or barber establishment to be
8 operated in a private home or residence unless the ~~salon~~
9 establishment is located in a room or rooms not used or occupied for
10 residential purposes.

11 B. 1. Except as otherwise provided in the Oklahoma Cosmetology
12 and Barbering Act, it shall be unlawful for any person to practice
13 cosmetology or barbering in any place other than a licensed
14 establishment or school licensed by the Board.

15 2. In an emergency such as illness, invalidism, or death, a
16 ~~licensed operator~~ practitioner licensed or certified by the Board
17 may perform cosmetology or barbering services for a person by
18 appointment in a place other than a licensed cosmetology or barber
19 establishment or cosmetology or barber school.

20 C. A person licensed as a cosmetologist may perform cosmetology
21 services in a barber establishment. A person licensed as a barber
22 may perform barbering services in a cosmetology establishment. Any
23 salon which provides both cosmetology and barbering services must
24 obtain a license from the Board.

1 SECTION 8. AMENDATORY 59 O.S. 2011, Section 199.10, as
2 last amended by Section 1, Chapter 265, O.S.L. 2016 (59 O.S. Supp.
3 2018, Section 199.10), is amended to read as follows:

4 Section 199.10. A. All licenses and certificates issued under
5 the provisions of the Oklahoma Cosmetology and Barbering Act shall
6 be issued for a period of one (1) year. The expiration date of the
7 license shall be the last day of the month in which the applicant's
8 birthday falls. The public display of a licensee's personal
9 residential address on the face of any license issued pursuant to
10 the provisions of the Oklahoma Cosmetology and Barbering Act shall
11 be prohibited on and after July 1, 2016, and such personal address
12 information, if publically displayed on a valid license, may be
13 redacted by the licensee until the license is renewed and no longer
14 bears his or her personal residential address.

15 B. Applications for renewal must be made on or before the last
16 day of the month in which the applicant's birthday falls, and shall
17 be accompanied by the appropriate fees.

18 C. Any person who fails to renew the license or certificate
19 within the required time may make application for renewal at any
20 time within five (5) years from the expiration date of the license
21 or certificate by paying the regular renewal ~~license~~ fee and a late
22 fee of Ten Dollars (\$10.00), which becomes due two (2) months after
23 the expiration date.

24

1 D. Any person who fails to renew within the required time may
 2 make application with subsequent renewal and penalty fees.

3 E. Before a person may take an examination to renew an expired
 4 license or certificate after a period of five (5) years, such person
 5 shall register in a cosmetology or barber school for the given
 6 number of review hours in accordance with the following timetable
 7 and schedule based upon the type of license or certificate held.

Expired Five	Review
License/ <u>Certificate</u> Years or More	Hours Required
Type	
Basic Cosmetologist	250 hours
Barber	250 hours
Master Cosmetology Instructor <u>Cosmetology</u>	100 hours
Master Barber Instructor <u>Barber</u>	100 hours
Facial/Esthetics <u>Master</u> Instructor	
<u>Facial/Esthetician</u>	100 hours
<u>Master Instructor</u> Manicurist/Nail Technician	
Instructor	100 hours
Manicurist/ <u>Nail Technician</u>	100 hours
Facial Operator <u>Facial/Esthetician</u>	100 hours
Cosmetician/ <u>Stylist</u>	100 hours
Hairbraiding Technician	100
	<u>40</u> hours

1 F. Each person holding a license or certificate shall notify
2 the Board of any change in the mailing address of such person within
3 thirty (30) days after any change.

4 SECTION 9. AMENDATORY 59 O.S. 2011, Section 199.11, as
5 last amended by Section 2, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
6 2018, Section 199.11), is amended to read as follows:

7 Section 199.11. A. The State Board of Cosmetology and
8 Barbering is hereby authorized to deny, revoke, suspend, or refuse
9 to renew any license, certificate, or registration that it is
10 authorized to issue under the Oklahoma Cosmetology and Barbering Act
11 for any of the following causes:

12 1. Conviction of a felony crime that substantially relates to
13 the practice of cosmetology or poses a reasonable threat to public
14 safety;

15 2. Gross malpractice or gross incompetence;

16 3. Fraud practiced in obtaining a license, certificate or
17 registration;

18 4. A license or certificate holder's continuing to practice
19 while afflicted with an infectious, contagious, or communicable
20 disease;

21 5. Habitual drunkenness or addiction to use of habit forming
22 drugs;

23 6. Advertising by means of statements known to be false or
24 deceptive;

1 7. Continued or flagrant violation of any rules of the Board,
2 or continued practice by a ~~Board licensee~~ licensed or certified
3 person in a cosmetology or barber establishment wherein violations
4 of the rules of the Board are being committed within the knowledge
5 of the ~~licensee~~ licensed or certified person;

6 8. Failure to display license or certificate as required by the
7 Oklahoma Cosmetology and Barbering Act;

8 9. Continued practice of cosmetology or barbering after
9 expiration of a license or certificate therefor;

10 10. Employment by a salon or barber establishment owner or
11 manager of any person to perform any of the practices of cosmetology
12 or barbering who is not duly licensed or certified to perform the
13 services;

14 11. Practicing cosmetology or barbering in an immoral or
15 unprofessional manner;

16 12. Unsanitary operating practices or unsanitary conditions of
17 a school or establishment; or

18 13. Unsanitary operating practices of a ~~licensee~~ practitioner
19 licensed or certified by the Board.

20 B. As used in this section:

21 1. "Substantially relates" means the nature of criminal conduct
22 for which the person was convicted has a direct bearing on the
23 fitness or ability to perform one or more of the duties or
24 responsibilities necessarily related to the occupation; and

1 2. "Poses a reasonable threat" means the nature of criminal
2 conduct for which the person was convicted involved an act or threat
3 of harm against another and has a bearing on the fitness or ability
4 to serve the public or work with others in the occupation.

5 SECTION 10. AMENDATORY 59 O.S. 2011, Section 199.14, as
6 last amended by Section 4, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
7 2018, Section 199.14), is amended to read as follows:

8 Section 199.14. A. The following fees shall be charged by the
9 State Board of Cosmetology and Barbering:

10	Registration as a student	\$ 5.00
11	<u>Certificate</u>	<u>25.00</u>
12	Examination for license	35.00
13	Cosmetology and Barber school license (initial)	400.00
14	Cosmetology and Barber school license (renewal)	125.00
15	Apprentice Registration	10.00
16	Renewal Advanced Operator license (annual)	25.00
17	Facial Operator <u>Facial/Esthetician</u> license (annual)	25.00
18	Cosmetology license (annual)	25.00
19	Barber license (annual)	25.00
20	Manicurist/ <u>Nail Technician</u> license (annual)	25.00
21	Facial/Esthetics <u>Master Instructor</u> <u>Facial/Esthetician</u> license	
22	(annual)	30.00
23	Cosmetician/ <u>Stylist</u> license (annual)	25.00
24	<u>Hairbraiding Technician certificate (annual)</u>	<u>25.00</u>

1	<u>Master Instructor</u> Manicurist/Nail Technician Instructor	
2	license (annual)	30.00
3	Demonstrator license (annual)	20.00
4	Master <u>Instructor</u> Cosmetology Instructor license	
5	(annual)	50.00
6	Master <u>Instructor</u> Barber Instructor license (annual)	50.00
7	Cosmetology establishment <u>Establishment</u> license	
8	(initial)	45.00
9	Cosmetology establishment <u>Establishment</u> license	
10	(renewal)	30.00
11	Barber establishment <u>Establishment</u> license	
12	(initial)	45.00
13	Barber establishment <u>Establishment</u> license	
14	(renewal)	30.00
15	Cosmetic Studio license (initial)	50.00
16	Cosmetic Studio license (renewal)	30.00
17	Nail Salon (initial)	45.00
18	Nail Salon (renewal)	30.00
19	Reciprocity license (initial)	30.00
20	Reciprocity processing fee	30.00
21	Duplicate license (in case of loss or destruction	
22	of original)	5.00
23	Notary fee	1.00
24	Certification of Records	10.00

1 B. In addition to the fees specified in subsection A of this
2 section, the Board shall charge a total penalty of Ten Dollars
3 (\$10.00), as provided for in Section 199.10 of this title.

4 C. Any person licensed as an advanced operator prior to July 1,
5 1985, may renew the advanced cosmetologist license annually by
6 payment of the fee required by this section and by being in
7 compliance with the rules promulgated by the State Board of
8 Cosmetology and Barbering.

9 SECTION 11. This act shall become effective in accordance with
10 the provisions of Section 58 of Article V of the Oklahoma
11 Constitution.

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
13 February 27, 2019 - DO PASS AS AMENDED
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